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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/604,599      | 08/03/2003  | Hung-Hui Ho          | REAP0018USA         | 1598             |

27765 7590 09/26/2006

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION  
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MERRIFIELD, VA 22116

|          |
|----------|
| EXAMINER |
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LUU, MATTHEW

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3663

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 41-52, drawn to an apparatus, classified in class 382, subclass 167.

II. Claims 54-60, drawn to a method, classified in class 345, subclass 601.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the process as claimed can be practiced by another and materially different apparatus such as an apparatus for correcting intensity, brightness, contrast, or shading. In addition, the apparatus as claimed can be used to practice another and materially different process such as a method for mapping the colors from a display device to a printer with different color space for printing an image.

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3. Upon election of group I, the applicant is further required under 35 U.S.C. 121 to elect one of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (currently, no claims are generic):

- A. The first embodiment of Fig. 4.
- B. The second embodiment of Fig. 5.
- C. The third embodiment of Fig. 6.

4. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement (e.g., I and A), and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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M. Luu

A handwritten signature in black ink, appearing to read "Matthew Luu", with a large, stylized initial "M" and a flourish at the end.

**MATTHEW LUU**  
**PRIMARY EXAMINER**